



GEORGE S. COLE
495 SEAPORT COURT, SUITE 101
REDWOOD CITY, CA 94063

COPY MAILED

JUN 16 2003

OFFICE OF PETITIONS

In re Application of
Agee, et al.
Application No. 09/878,789 *Per Lecture*
Filed: June 10, 2001
Title: METHOD AND APPARATUS FOR
OPTIMIZATION OF WIRELESS
MULTIPOINT ELECTROMAGNETIC
COMMUNICATION NETWORKS

ON PETITION

In re Application of
Agee, et al.
Application No. 09/879,459
Filed: June 11, 2001
Title: METHOD AND APPARATUS FOR
OPTIMIZATION OF WIRELESS
MULTIPOINT ELECTROMAGNETIC
COMMUNICATION NETWORKS

*Duplicate application
has to be killed.*

*all documents belongs
to 09/878,789, as amend.*

This is a decision on the papers styled, Petition to Revive and Treat as Amendment, filed October 8, 2002, which have been treated as a petition under 37 CFR 1.137(b), to revive the above-identified application, and a petition under 37 CFR 1.182, to merge the above-identified application files.

Application No. 09/878,789 was deposited on June 10, 2001. However, Petitioner states, "the need for a number of corrections was realized as the Attorney realized (the next morning) that a draft version of the specification had been sent." To correct applicants filing error, on June 11, 2001, applicants filed the full version of the specification "with indication that it was a correction for the previous day's filing. Attorney presumed that the Patent Office would treat this as a Preliminary Amendment under

Both applications will be returned to the Office of Initial Patent Examination for merging the file of application No. 09/879,459 into the file of application No. 09/878,789. The papers submitted on June 11, 2001 which became application No. 09/879,4598, shall be treated as a preliminary amendment. Thereafter, application No. 09/879,459 will no longer be an active serial number. As such, the "Notice To File Corrected Application Papers" mailed in application No. 08/879,459, on August 20, 2001, is moot.

The \$355.00 filing fee, \$120.00 claims in excess of 20 fee and \$1467.00 multiple dependent claims fee (total of \$1942.00) charged for 09/879,459 will be refunded to deposit account no. 50-0705.

All future correspondence concerning this application should be directed to application No. 09/878,789.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

A handwritten signature in dark ink, appearing to read 'Ed Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office